IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

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)	Case No. 14-CV-301-JHP-SPS
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ORDER

On September 10, 2015, the United States Magistrate Judge entered a Report and Recommendation in regard to Plaintiff's request for judicial review of the decision of the Commissioner of the Social Security Administration. The Magistrate Judge recommended that the decision of the Administrative Law Judge be reversed and remanded pursuant to sentence four of 42 U.S.C. §405(g). The defendant filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a). Specifically, the defendant noted that contrary to the Magistrate Judge's findings and controlling Tenth Circuit precedent, the ALJ did in fact explicitly discuss Plaintiff's reported pain, but found his complaints of disabling pain were not fully credible because of evidence he improved significantly with treatment. Further, as noted by defendant's objection, an ALJ may still rely upon the Grids, even when a disability claimant has non-exertional limitations.

Therefore, this Court finds the Report and Recommendation of the Magistrate Judge is not supported by the record. Accordinly, upon full consideration of the entire record and the issues

presented herein, the Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on September 10, 2015 is rejected and the Commissioner's final decision is **AFFIRMED.**

IT IS SO ORDERED this 17th day of November, 2015.

mes H. Payne

United States District Judge
Eastern District of Oklahoma